

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ASHLEY PRIETO, Special)	
Administrator of the Estate of)	
DEBBIE WELLS, Deceased,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CIV-21-870-C
)	
PINCH FLATBED, INC., and)	
CURTIS LEE,)	
)	
Defendants.)	

ORDER

On October 26, 2021, Defendant Pinch Flatbed, Inc. (“Pinch”), filed the present Motion pursuant to Fed. R. Civ. P. 12(b)(6) seeking dismissal of Plaintiff’s claims for negligent entrustment, negligent hiring, training and supervision, and negligence per se of Defendant Lee. Although the time to respond has passed, Plaintiff has neither responded nor sought an extension of time to respond. Accordingly, with one exception, pursuant to LCvR7.1, the Motion will be deemed confessed and granted. The sole exception is Pinch’s challenge to the negligence per se claim. That claim is pursued against Defendant Lee. Counsel for Pinch do not represent Lee and have offered no authority on which they seek dismissal of a claim filed against him. Accordingly, the Motion will be denied as to that claim.

Accordingly, Defendant Pinch Flatbed, Inc.’s Partial Motion to Dismiss for Failure to State a Claim (Dkt. No. 12) is GRANTED in part. Plaintiff’s claims for negligent

entrustment of a vehicle and negligent hiring, training and supervision of Defendant Lee are DISMISSED without prejudice.

IT IS SO ORDERED this 24th day of November, 2021.



ROBIN J. CAUTHRON
United States District Judge